

## **REMARKS**

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action that was mailed August 10, 2007. The clarity of the Office Action is noted with appreciation. Nevertheless, all of the rejections are respectfully traversed. Amendment, reexamination and reconsideration are respectfully requested.

### **Correction of Future Publications Is Requested**

It is noted that U.S. Patent Application Publication No. 2005/0149416 A1, the publication of the present application, includes a typesetters error. Apparently a division symbol (i.e., ÷) in the last line of paragraph [0053] (i.e., page 10, line 34) was misread as a plus sign (i.e., +). Appropriate correction is requested.

### **The Office Action**

In the Office Action that was mailed August 10, 2007:

**claim 35** was objected to for including a grammatical error;

**claims 45-47** were objected to for reasons of antecedents;

**claims 1-12, 14, 16-31 and 33** were rejected under 35 USC §102(a) as being anticipated by a printout of an allegedly archived webpage (<http://web.archive.org/web/20030210080601/callcenterplus.com/pricing.html>) ("CCP");

**claims 3, 9, 19, 22, 28, 35, 36, 38-41, 43 and 46** were rejected under 35 USC §103(a) as being unpatentable over CCP in view of U.S. Patent Application Publication No. 2004/0009761 A1 by Money et al. ("Money");

**claims 13, 15, 32 and 34** were rejected under 35 USC §103(a) as being unpatentable over CCP in view of U.S. Patent No. 6,301,471 B1 to Dahm et al. ("Dahm"); and

**claims 42, 43, 45 and 47** were rejected under 35 USC §103(a) as being unpatentable over CCP in view of Money and further in view of Dahm.

### **The Present Application**

By way of brief review, the present application is related to systems and methods for providing network support for graduated airtime billing. That is, adaptations to portions of a mobile communications network are described. Where

prior art systems charge a high rate for airtime in excess of a subscriber's calling plan limits, the subject matter of the present application provides means for charging progressively lower rates for airtime in excess of a subscriber's calling plan limits. Moreover, the present application provides means for rewarding customer loyalty by providing increased discounts based on a time period the subscriber has been a customer, and/or provides means for encouraging calling plan upgrading by considering the cost of the base calling plan subscribed to by the subscriber and providing increased discounts for airtime consumed in excess of the allocation in higher cost plans (e.g., **original claims 13-15, 17-18, 32-34, 41-46**).

### **The Cited References**

In stark contrast, the primary reference of the Office Action to CCP is a webpage providing a price list for a telephone answering service, which provides rates for the time of telephone operators and **not for airtime**, such as airtime associated with mobile telecommunications services.

Even if CCP could be interpreted as disclosing a method for charging a subscriber for airtime, CCP clearly does not disclose or suggest a system for charging a subscriber for airtime. Furthermore, even if the price list provided on the cited webpage could be construed as disclosing some means for charging a subscriber for airtime, the cited webpage clearly does not disclose the same means as that disclosed in the present application and claimed according to the means plus function language of **claims 20-34** of the present application.

The secondary reference of the Office Action, by Money, discusses a service agent that can allegedly receive a request to establish a communications session between a communicative entity and another communicative entity. The service agent can allegedly access profile information for the communicative entity and using this information can allegedly detect a transition from a first billing mode to a second billing mode and prompt the communicative entity for an authorization to transfer from the first billing mode to the second billing mode (Abstract).

Even if Money could be construed as discussing some system and method for charging a subscriber for airtime, it is respectfully submitted that Money does not discuss the same systems and methods as are disclosed and claimed in the present application. For example, the present application does not require a service agent such as the service agent 154 of Money. Additionally, Money does not

disclose or suggest determining a discounted billing rate for a category of airtime that is less than a reference rate that rewards customer loyalty and/or calling plan upgrading such as is disclosed in the present application.

For example, Money does not disclose determining a time period the subscriber has been a customer and determining a discounted billing rate based on a function of the time period the subscriber has been a customer that generates a larger discount for longer customer time periods. Additionally, Money does not disclose or suggest determining a calling plan subscription cost of the subscriber and determining a discounted billing rate based on a function of the calling plan's subscription cost of the subscriber that generates a larger discount of the subscriber that generates a larger discount for higher cost subscription plans. Furthermore, Money does not disclose or suggest determining a discounted billing rate based on a combination of such factors or means for determining such discounts (e.g., original **claims 13-15, 17-18, 32-34, 42-47**).

Dahm allegedly discloses a system and method that allows mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs (Abstract). Even if Dahm discloses a system or method for offering different or better service plans to a subscriber, Dahm does not disclose or suggest providing a discount within a subscriber's current plan that increases the longer the subscriber is a subscriber. Furthermore, Dahm does not disclose or suggest providing increased discounts for airtime consumed above a threshold amount wherein the discounts are a function of a determined subscription plan cost and provide increased discounts for higher cost plans.

### **The Claims Are Formal**

**Claim 35** was objected to for reciting "an graduated biller." However, **claim 35** has been amended and now recites -- a graduated biller --.

**Claims 45-47** were objected to for not including an antecedent basis for the recitation of "the continuously increasing discounted billing rate". However, **claims 45-47** have been amended to depend from **claim 41**, which provides an appropriate antecedent basis for the recitation of "the continuously increasing discounted billing rate".

For at least the foregoing reasons, withdrawal of the claim objections with

regard to informalities is respectfully requested.

### **The Claims Are Not Anticipated**

**Claims 1-12, 14, 16-31 and 33** were rejected under 35 USC §102(a) as being anticipated by CCP.

However, CCP is a webpage providing pricing information regarding a telephone answering service (see upper left hand corner below the drawings of a telephone and above the photograph of a telephone operator with operator headset; also see "...A Telephone Answering Service in the black bar above the word Pricing". Accordingly, it is respectfully submitted that CCP does not disclose a method for charging a subscriber for **airtime** such as is recited in independent **claim 1** or such as is recited in independent **claim 16**. Moreover, CCP does not disclose a system for charging a subscriber for airtime, the system comprising the means for determining a first reference billing rate, a means for determining a first threshold airtime amount, the means for determining a quantity of first category airtime consumed by the subscriber, the means for determining a first discounted billing rate and the means for charging the first discounted billing rate disclosed in the present application and recited in independent **claim 20** of the present application. It is respectfully submitted that CCP is a price list and **does not disclose a system** of any kind. Moreover, the price list of CCP does not disclose the particular system disclosed in the present application and recited, by reference according to 35 USC §112, sixth paragraph, in **claim 20** of the present application.

For at least the foregoing reasons, independent **claims 1, 16 and 20**, as well as **claims 2-12, 14; 17-19 and 21-31 and 33** are not anticipated by CCP.

Additionally, with regard to **claim 1**, it is respectfully submitted that the Office Action draws a number of inappropriate analogies. For example, with regard to the recitation in **claim 1** of determining a quantity of first category airtime consumed by the subscriber, the Office Action refers to the "pricing" column of CCP and alleges that there is a discussion there of airtime usage for a subscriber. However, CCP is unrelated to airtime. The reference to time or minutes in CCP is a reference to the time of one or more answering service operators (see "Per Minute Operator Time"). Additionally, it is respectfully submitted that the operator time consumed is not consumed "by" the subscriber as is recited in **claim 1**. Instead, the time is consumed by callers whose calls are answered by the telephone answering service

for the customer of the telephone answering service provided by “Call Center Plus”.

For the foregoing additional reasons, **claim 1**, as well as **claims 2-12** and **14**, which depend therefrom, is not anticipated by CCP.

It is noted that the Office Action while including **claim 20** in the introduction to the discussion of the elements from **claim 1**, does not assert that the price list of CCP discloses the means for performing the functions recited in **claim 20**. Indeed, it is respectfully submitted that the price list of CCP does not disclose the means recited in **claim 20**.

For at least the foregoing additional reasons, the Office Action has not met its burden of presenting a *prima facie* case of anticipation with regard to CCP and the subject matter of **claim 20**. Accordingly, **claim 20**, as well as **claims 21-34**, which depend therefrom, are not anticipated by CCP.

In explaining the rejection of **claim 16**, the Office Action makes assertions similar to the assertions that were made with regard to **claim 1**. Accordingly, arguments similar to those submitted in support of **claim 1** are submitted in support of **claim 16**. The assertion that CCP discloses a method for charging a subscriber for airtime is respectfully traversed. CCP is related to operator time spent answering calls that are directed to the answering service of CCP, and CCP does not disclose a method of charging a subscriber for airtime. Accordingly, contrary to the assertions of the Office Action, CCP does not disclose determining one or more airtime amounts in one or more airtime categories consumed by the subscriber in an airtime billing period. The time alluded to in CCP is the time of an answering service operator. Furthermore, the time is not consumed by the subscriber or even the customer of CCP. Instead, the time is consumed by callers whose calls are directed to the answering service of CCP.

For at least the foregoing reasons, independent **claim 16**, as well as **claims 17-19**, which depend therefrom, is not anticipated by CCP.

With regard to **claims 2** and **21**, the Office Action asserts that CCP discloses charging the first reference rate for an amount of first category airtime consumed by the subscriber up to the first threshold airtime amount. However, CCP is not concerned with airtime, and CCP does not discuss airtime consumed by the subscriber. The time referred to by CCP is the time of an operator or team of operators and that time is consumed not by a subscriber or a customer but by callers whose calls are directed to the answering service.

With regard to **claims 4-6** and **23-25**, the Office Action asserts that CCP discloses charging a second discounting billing rate for the first category airtime for a second threshold greater than the first threshold with a second discounted rate. However, even if this were true, **claims 6** and **25** recite a fourth threshold airtime amount greater than the third threshold airtime amount. The Office Action does not even assert that CCP discloses these thresholds or means for determining such thresholds. Furthermore, CCP is not concerned with airtime thresholds. The assertion that such additional thresholds are inherent is respectfully traversed. CCP clearly indicates that all minutes in excess of 2000 are charged the same rate (see “2000+”).

For at least the foregoing additional reasons, **claims 4-6** and **23-25** are not anticipated by CCP.

Regarding **claims 7** and **26**, the Office Action notes that the CCP price list provides rates for when a toll free number of call center plus is used and another set of rates for when the customer’s own toll free number is used by calling parties. The Office Action appears to draw an analogy between “USING YOUR OWN TOLL FREE NUMBER” and the second category of airtime recited in **claim 7**. However, it is respectfully submitted that nothing in CCP discloses the customer’s own toll free number is associated with airtime or fairly represents a category of airtime. As used in the present application, the phrase -- category of airtime -- refers to such categories as peak, off-peak, and “any time” minutes and the like (e.g., paragraphs 53-54; i.e., page 10, line 28-page 11, line 13). It is respectfully submitted that the toll free numbers of CCP are not associated with airtime and do not represent categories of airtime.

Furthermore, the Office Action does not even assert that CCP discloses the means for determining and the means for charging recited in **claim 26**.

For at least the foregoing additional reasons, **claims 7** and **26**, as well as **claims 8, 9, and 27, 28**, which depend respectively therefrom, are not anticipated by CCP.

It is respectfully submitted that the discussion of the rejection of **claims 8, 9, 27, and 28** represents an improper omnibus rejection which does not address the subject matter of the subject claims. Furthermore, **claim 9** recites charging a flat fee for second category airtime consumed by the subscriber up to the second category first threshold airtime amount. It is respectfully submitted that even if “Using Your

Own Toll Free Number” is taken to be a second category of airtime, CCP does not disclose charging a flat fee for second category airtime consumed by the subscriber up to the second category first threshold airtime amount as recited in **claim 9** or means therefore as recited in **claim 28**.

For at least the foregoing additional reasons, **claims 9** and **28** are not anticipated by CCP.

With regard to **claims 10-12** and **29-31**, the Office Action makes similar assertions to those made with regard to **claims 4-6** and **23-25**. Accordingly, arguments similar to those submitted in support of **claims 4-6** and **23-25** are submitted in support of **claims 10-12** and **29-31**. Even if CCP could be construed as disclosing charging a second discounted billing rate for the second category airtime for a second threshold greater than the first threshold with a second discount rate as recited in **claim 10** (which is disputed), CCP does not disclose means therefor as recited in **claim 29** or determining a second category third threshold airtime amount greater than the second category second threshold airtime amount as recited in **claim 11** or means therefor as recited in **claim 30**. Moreover, CCP does not disclose determining a second category fourth threshold airtime amount greater than the second category third threshold airtime amount as recited in **claim 12** or means therefor as recited in **claim 31**. It is respectfully submitted that the assertion that inherently more discounts can be applied to greater thresholds of airtime made by the Office Action is based on impermissible hindsight reasoning and not on any disclosure found in CCP.

For at least the foregoing additional reasons, **claims 10-12** and **29-31** are not anticipated by CCP.

With regard to **claims 14, 17, 18** and **33**, the Office Action provides an improper omnibus rejection that overlooks the language recited in the claims. The discussion of the rejection of **claims 14, 17, 18** and **33** simply asserts that CCP discloses the limitations of **claims 1** and **20** and further discloses giving more discount for higher usage (“first: 1-1000 minutes” - “2000 + minutes”). However, **claim 14** recites determining a calling plan subscription cost of the subscriber and determining the first discounted billing rate based on a function of the calling plan subscription cost of the subscriber that generates larger discounts for higher cost subscription plans. **Claim 14** does not recite subject matter related to higher usage. Accordingly, CCP does not disclose the determinations recited in **claim 14** or means

therefor, such as recited in **claim 33**.

For at least the foregoing additional reasons, **claims 14 and 33** are not anticipated by CCP.

Similar arguments are submitted in support of **claims 17 and 18**. The price list of CCP does not determine a discount based on the length of time a subscriber has been a subscriber or on a combination of plan cost and subscriber length of time.

### **The Claims Are Not Obvious**

**Claims 3, 9, 19, 22, 28, 35, 36, 38-41, 43 and 46** were rejected under 35 USC §103(a) as being unpatentable over CCP in view of Money.

In explaining the rejection of **claim 35**, the Office Action asserts that CCP discloses determining one or more total quantities of airtime consumed in one or more airtime categories. However, as indicated above, CCP is unrelated to airtime or determining total quantities of airtime consumed. CCP provides a price list for a telephone answering service and is related to quantities of operator time consumed.

Additionally, the Office Action stipulates that CCP does not disclose apparatus to determine quantities of airtime and a biller to apply charges.

It is respectfully submitted that this stipulation is a clear indication that the rejection of **claims 20-31 and 33** as being anticipated by CCP represents **clear errors of fact** of the Office Action. Independent **claim 20** recites a system for charging a subscriber for airtime and the Office Action stipulates that CCP does not disclose apparatus to determine quantities of airtime and a biller to apply charges.

Further in this regard, the Office Action relies on Money for disclosure of the elements stipulated to be missing from CCP.

However, **claim 35** has been amended to indicate that the discounted billing rate applied by the graduated biller is determined from a function that at least one of rewards customer loyalty and encourages subscription to higher cost subscription plans. It is respectfully submitted that this amendment is supported throughout the specification including, for example, **claims 42-47; claims 13-15; claims 17 and 18; claims 32-34**; and page 13, line 1-page 15, line 18. It is respectfully submitted that this amendment should not require a new search since the search for disclosure of the subject matter of, for example, **claims 42-47** would have identified documents related to the subject matter now included in **claim 35**.



Additionally, it is respectfully submitted that CCP and Money do not disclose or suggest a graduated biller operative to apply at least one discounted billing rate wherein the at least one discounted billing rate is determined from a function that at least one of rewards customer loyalty and encourages subscription to higher cost subscription plans.

For at least the foregoing reasons, **claim 35**, as well as **claims 36-47**, which depend therefrom, is not anticipated and is not obvious in light of CCP and Money.

With regard to **claim 19**, the Office Action stipulates that CCP does not disclose processing call detail records but asserts that it would be obvious to combine subject matter from Money into CCP. However, it is respectfully submitted that it is not obvious for a telephone answering service to process call detail records such as are recited in **claim 19** and that there is no motivation in the art, other than which can be gleaned from the present application, to combine the processing of usage detail records or transaction detail records of Money with the price list of CCP. Accordingly, it is respectfully submitted that **claim 19** is not anticipated and is not obvious in light of CCP and Money.

Furthermore, it is noted that **claim 19** depends from **claim 16** and is patentably distinct for at least that reason. Additionally, it is noted that **claim 16** has been amended to indicate that the determined one or more respective discounted billing strategies is based on a function that at least one of rewards customer loyalty and encourages subscription to higher cost subscription plans.

It is respectfully submitted that support for this amendment is the same as that discussed above with regard to the amendment to **claim 35**. Additionally, it is respectfully submitted that this amendment to **claim 16** should not require a new search since, for example, the search for subject matter related to **claims 17 and 18** would have identified documents related to the subject matter recited in **claim 16**.

For at least the foregoing additional reasons, **claim 19** is not anticipated and is not obvious in light of CCP and Money.

With regard to **claims 3, 9, 22, 28 and 36**, the Office Action stipulates that CCP does not disclose a flat fee and relies on Money for this disclosure. However, it is respectfully submitted that the portion of paragraph 4 cited by the Office Action refers to a "flat rate" and not a flat fee as is recited in **claims 3, 9, 22 and 28**. Additionally, it is respectfully submitted that there is no motivation in the art for the answering service of CCP to modify its pricing plan according to the practice for

charging for mobile communications airtime as described by Money. The motivation alleged by the Office Action (increased profits) is purely speculative. It is respectfully submitted that the authors of CCP know best how to charge for call answering services and how to maximize profits in that market place. Accordingly, even if Money could be interpreted as disclosing a flat fee, the Office has not met its burden of presenting a *prima facie* case of obviousness. It is respectfully submitted that the only motivation for combining fee information from Money into the price list of CCP is that provided by the present application. Accordingly, the rejection of **claims 3, 9, 22, 28 and 36** is based on impermissible hindsight reasoning.

Furthermore, **claim 36** depends from **claim 35** and is patentably distinct for at least that reason.

**Claims 22 and 28** depend from **claim 20**, and **claim 20** has been amended to indicate that the first discounted billing rate determined by the means therefor is based on a function that at least one of rewards customer loyalty and encourages subscription to higher cost subscription plans. It is respectfully submitted that support for the amendment to **claim 20** is the same as the support identified above with regard to **claim 35**. Additionally, this amendment to **claim 20** should not require a new search since the search for subject matter related to, for example, **claims 32-34** would have identified documents related to the subject matter of the amendment to **claim 20**.

It is respectfully submitted that CCP and Money do not disclose or suggest the means for determining a first discounted billing rate wherein the first discounted billing rate is based on a function that at least one of rewards customer loyalty and encourages subscription to higher cost subscription plans disclosed in the present application, or any other means therefor.

For at least the foregoing additional reasons, **claims 22 and 28** are not anticipated and are not obvious in light of CCP and Money.

**Claim 3** depends from **claim 1**. **Claim 9** depends from **claim 7**, which depends from **claim 1**. **Claim 1** has been amended to indicate that a first discounted billing rate is determined based on a function that at least one of rewards customer loyalty and encourages subscription to higher cost subscription plans. It is respectfully submitted that support for this amendment is the same as that discussed above with regard to the amendment to **claim 35**. Additionally, this amendment to **claim 1** should not require a new search since the search for subject matter related

to, for example, **claims 13-15** would have identified documents related to the subject matter of this amendment to **claim 1**.

It is respectfully submitted that CCP and Money do not disclose or suggest determining a first discounted billing rate based on a function that rewards customer loyalty and encourages subscription to higher cost subscription plans.

For at least the foregoing additional reasons, **claims 3, 9, 22, 28 and 36** are not anticipated and are not obvious in light of CCP and Money.

With regard to **claim 37**, the Office Action again asserts that CCP discloses charging a first reference rate for an amount of first category airtime consumed by the subscriber. However, as indicated above, CCP does not disclose charging for airtime. CCP discloses prices for operator time. Furthermore, the time consumed is not consumed by the subscriber. Instead, CCP discusses prices for operator time consumed by callers whose calls are answered by the answering service of CCP.

Additionally, **claim 37** depends from **claim 35** and is not anticipated and is not obvious for at least that reason.

**Claims 38-41** are rejected for reasons similar to the reasons given with regard to **claims 4-6 and 23-25 and 10-12 and 29-31** as well as **14, 17, 18 and 33**. Accordingly, arguments similar to those submitted in support of those claims are submitted in support of **claims 38-41**. CCP is unrelated to airtime. Accordingly, the assertion that CCP discloses a second discounted billing rate for the first category airtime for a second threshold greater than the first threshold with a second discounted rate is respectfully traversed. Moreover, even if more discounts could be applied as asserted by the Office Action, it is respectfully submitted that CCP does not disclose more discounts are applied to greater thresholds of airtime.

For at least the foregoing reasons, **claim 40** is not anticipated and is not obvious in light of CCP and Money.

**Claim 41** recites the graduated biller is operative to apply a continuously increasing discount billing rate to a portion of a total quantity of consumed airtime in a first airtime category above a first airtime category threshold (e.g., see reference numeral 322 of Fig. 2). It is respectfully submitted that CCP and Money do not disclose or suggest a continuously increasing discount such as disclosed in the present application and recited, for example, in **claim 41**. Accordingly, **claim 41** is not anticipated and is not obvious in light of CCP and Money.

With regard to **claims 43 and 46**, the Office Action asserts that the reference

further discloses giving more discount for higher usage. However, **claims 43 and 46** are not related to higher usage. Instead, **claim 43** indicates that a first discounted billing rate is based on a function of a calling plan subscription cost of the subscriber that generates a larger discount for higher cost subscription plans. **Claim 46** indicates that the continuously increasing discounted billing rate is a function of the subscription plan subscription cost of the subscriber that generates a larger discount for higher cost subscription plans **and** larger amounts of airtime consumed in a first airtime category.

It is respectfully submitted that CCP in view of Money does not disclose the discounted billing rate is a function of calling plan subscription cost (which has nothing to do with actual usage). Accordingly, **claims 43 and 46** are not anticipated and are not obvious in view of CCP and Money.

**Claims 13, 15, 32 and 34** were rejected under 35 USC §103(a) as being unpatentable over CCP in view of Dahm.

In explaining these rejections, the Office Action asserts that CCP discloses providing discount based on calling plan. However, this assertion is irrelevant. For example, **claim 15** does not recite providing discount based on a calling plan. **Claim 15** recites determining a calling plan subscription cost of the subscriber and determining a first discounted billing rate based on a function of the time period the subscriber has been a customer and of the calling plan subscription cost of the subscriber that generates larger discounts for longer customer time periods and higher cost subscription plans. **Claim 13** recites determining a first discounted billing rate based on a function of the time period the subscriber has been a customer that generates a larger discount for longer customer time periods and **claim 32** recites means therefor.

Accordingly, even if, as asserted by the Office Action, Dahm discloses providing a special offer in return for the customer's loyalty to the service provider, CCP and Dahm do not disclose or suggest the subject matter of **claims 13, 15, 32 and 34**. Providing an offer does not disclose or suggest determining a first discounted billing rate based on a function of the time period the subscriber has been a customer and charging the first discounted billing rate as recited in the combination of **claims 13 and 1**. Moreover, providing the special offer does not disclose or suggest the determination of a first discounted billing rate based on a function of the time period the subscriber has been a customer and of the calling

plan subscription cost of the subscriber, such as is recited in **claim 15** or means therefor, such as is recited in **claim 34** (e.g., see page 13, line 1 - page 14, line 10, of the present application).

Furthermore, there is no motivation in the art for combining subject matter from Dahm with the price list of CCP. The assertion of the Office Action that it would be obvious to one having ordinary skill in the art to modify the discounted billing method disclosed by CCP with the “loyalty bonus” allegedly disclosed by Dahm so that service providers can hold on to existing customers so that more profits can be made is respectfully traversed. Dahm was published in 2001. CCP is allegedly from 2003. If it were obvious to modify the price list of CCP according to some “loyalty bonus” allegedly disclosed by Dahm, then, it is respectfully submitted the owners of Call Center Plus would have modified their pricing accordingly. Since the owners of CCP did not elect not to make such a combination, it is respectfully submitted that it would not have been obvious to do so, and the Office has not met its burden of presenting a *prima facie* case of obviousness.

For at least the foregoing reasons, **claims 13, 15, 32 and 34** are not anticipated and are not obvious in light of CCP and Dahm.

**Claims 42, 44, 45 and 47** were rejected under 35 USC §103(a) as being unpatentable over CCP in view of Money and further in view of Dahm. Again, in explaining these rejections, the Office Action asserts that CCP discloses providing discount based on calling plan. However, none of the claims recite providing discount based merely on a calling plan designation.

Instead, **claim 44** recites a first discounted billing rate based on a function of the time period the subscriber has been a customer and of the calling plan subscription **cost** of the subscriber.

**Claim 47** recites the continuously increasing discounted billing rate is a function of the time period the subscriber has been a customer, the calling plan subscription **cost** of the subscriber that generates larger discounts for longer customer time periods and higher cost subscription plans **and** the amount of airtime consumed in a first airtime category. **Claims 42 and 45** recite functions of the time period the subscriber has been a customer. Accordingly, whether or not CCP discloses providing a discount based on the selection of a calling plan is immaterial.

Furthermore, even if, as asserted by the Office Action, Dahm discloses providing a special offer in return for the customer’s loyalty, such a disclosure does

not disclose or suggest, even in combination with CCP and Money, the subject matter of **claims 42, 44, 45 and 47**. The subject matter of the cited portion of column 2 discusses techniques that allow mobile subscribers who have been identified as being likely candidates for churning to efficiently, visually and interactively review **an offer** for a mobile service plan better meeting the subscriber's needs and does not disclose or suggest generating discounts according to the methods recited in the subject claims. The cited portion of column 8 also refers to a customer service server that subsequently generates customized **offers** to respective subscribers. However, transmitting such advertisements, even in combination with the price list of CCP and the system of Money does not disclose or suggest the subject matter of claims 42, 44, 45 and 47.

Furthermore, the assertion that it would have been obvious to one of ordinary skill in the art to modify the alleged discounted billing method of CCP with subject matter of Dahm is respectfully traversed. Dahm was published in 2001. CCP is allegedly from 2003. If the suggested modification were obvious and had the benefits alleged by the Office Action, it is respectfully submitted that the owners of CCP would have incorporated such subject matter into the price list of CCP.

Accordingly, the Office has not met its burden of presenting a *prima facie* case of obviousness.

For at least the foregoing reasons, **claims 42, 44, 45 and 47** are not anticipated and are not obvious in light of CCP, Money and Dahm.

### **Telephone Interview**

In the interests of advancing this application to issue, the Applicants respectfully request the Examiner telephone the undersigned to discuss the foregoing or any suggestions the Examiner might have to place the case in condition for allowance.

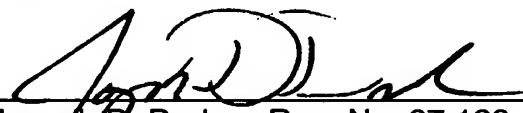
### **CONCLUSION**

**Claims 1-47** remain in the application. **Claims 1, 16, 20, 35, and 45-47** have been amended. However, none of the amendments require a new search. For at least the foregoing reasons, the application is condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

Fay Sharpe LLP

November 12, 2007  
Date

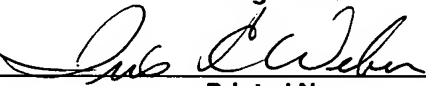
  
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#### **CERTIFICATE OF MAILING OR TRANSMISSION**

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

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- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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<b>Date</b> November 12, 2007	<b>Printed Name</b> Iris E. Weber

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